IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 22ND JANUARY 2007 / 2ND MAGHA 1928

WP(C).No. 2490 of 2007(U)

PETITIONER:

K.P. UDAYAKUMAR, AGED 45 YEARS,
RANGE OFFICER ASST.WILD LIFE WARDEN,
ARALAM WILD LIFE SANCTUARY, ARALAM FARM P.O.,
KANNUR.

BY ADV. SRI.M.SASINDRAN
SRI.TOJAN J. VATHIKULAM

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF FOREST, THIRUVANANTHAPURAM.

2. THE DEPARTMENTAL PROMOTION COMMITTEE(HR)
FOREST DEPARTMENT, THIRUVANANTHAPURAM,
REPRESENTED BY ITS CONVENER (SECRETARY TO
DEPARTMENT OF FOREST).

3. THE CHIEF CONSERVATOR OF FOREST,
THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 2490 OF 2007 U
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Dated this the 22nd January, 2007

J U D G M E N T

The petitioner is working as Range Officer in the Forest Department. It is contended that he is duly qualified and eligible to be considered for promotion to the post of Assistant Conservator of Forests, but his name is likely to be eschewed from consideration by the Departmental Promotion Committee on the ground that disciplinary proceedings are pending against him. Counsel for the petitioner submits that the rules do not permit the D.P.C. to exclude persons who are otherwise qualified and eligible for consideration by the D.P.C. on the ground of pendency of disciplinary proceedings.

2. There is substance in the above contention. Ext. P4 representation filed by the petitioner before respondents 1 and 2 is pending consideration. Hence, there shall be an order directing the 1st respondent to consider Ext. P4 and take appropriate decision as per rules within one month from the date of receipt of a copy of the judgment. If, in the meantime, the D.P.C.

holds its meeting, the records relating to he petitioner shall also be placed before that D.P.C. and his case also considered provisionally subject to further orders to be passed on Ext. P4.

The petitioner shall produce a copy of the judgment along with a copy of the writ petition before the 1st respondent for due compliance.

K.K. DENESAN
JUDGE

jan/